

From: Brian J. Brondel
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

I'm writing to express my disapproval for the proposed settlement for the antitrust case against Microsoft. The settlement is totally inadequate and completely incongruous with the magnitude Microsoft's illegal actions outlined in the Court of Appeals ruling.

The Appeals ruling calls for a remedy that will "unfetter a market from anticompetitive conduct", "terminate the illegal monopoly", "deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (section V.D., p. 99). The Proposed Final Judgement fails in all these respects.

It fails to significantly impact Microsoft's behavior because of considerable exceptions, unnecessarily narrow definitions, and generally incomplete conduct remedies. Microsoft will easily circumvent the terms of the Proposed Judgement as it is currently written, to continue its illegal practices and harm the free market.

I am further disturbed by the lack of any penalties for Microsoft's actions in the past. If you count up the extra profits Microsoft has garnered from its ill-gotten market share over the sales history of Windows, you find that Microsoft has acquired some \$3-8 billion through its violation of the Sherman Antitrust Act. Clearly, even after expenses from court and remedies, Microsoft's offenses were remarkably profitable, while Microsoft's prosecutors suffered great expense in seeking out justice. Should Microsoft be allowed to profit at the United States' expense, and at the expense of their laws?

Once again, I'm very disappointed by the lack of force in the Proposed Final Judgement. I urge you to carefully review and modify the terms of the settlement before proceeding. For a more complete analysis of the Proposed Judgement, I refer you to Dan Kege's "On the Proposed Final Judgment in United States v. Microsoft." I'm certain that we can arrive at a settlement that's both effective and fair.

Brian J. Brondel

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"America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves."

--Abraham Lincoln